IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 12280 of 2001

Between:

Sri Sai Rural Development Voluntary Organisation (Registered) rep. by its Secretary, Sri Marneni Srinivasa Rao, S/o Sri M.Nageswara Rao, R/o Devarapalli village of Paruchuru Revenue Mandal, Prakasham District.

..... PETITIONER

AND

1. The State of Andhra Pradesh rep. by its Secretary, Department of Revenue, Secretariat Buildings, Saifabad, Hyderabad.
2. The District Collector, Prakasham District at Ongole.
3. The Revenue Divisional Officer, Ongole, Prakasham District.
4. The Mandal Revenue Officer, Paruchuru Revenue Mandal, Paruchuru Mandal, Prakasham District.
5. Samuel S/o Silegu, President of the Bhoonirvasithula Dalita Porata Samithi, R/o Devarpalli village, Parchur Mandal, Prakasham District.
6. A.P.Pollution Control Board represented by its Member Secretary, Maithrivanam, Ameerpet, Hyderabad.

(Respondent No.5 is impleaded as per the Court order in WPMP No.32306 of 2001

dated 9-12-2001.

Respondent No.6 is impleaded as per the Court order in WPMP No.22307 of 2002 dated 25-9-2002)

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus:

i. Declaring the action of respondent authorities in not storing the water to the full tank level in order to prevent the encroachment by strengthening the tank bund;

ii. Direct the respondent authorities to clear all the encroachment and restore the Krishnam Raju Tank situated in Survey No.159/1 in Devarapalli village, Paruchuru Mandal, Prakasham District.

Counsel for the Petitioner:MR.K.ASHOK REDDY (Not present)

Counsel for the Respondents 1 to 4: The Govt. Pleader for Revenue

Counsel for the Respondent No.5: MR.V.RAGHUNATH

Counsel for the Respondent No.6: Mr.S.V.Bhatt

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

None for the petitioner.

Writ petition has been filed in public interest by Sri Sai Rural Development Voluntary Organisation, Devarapally village, Parchur Mandal, Prakasham District, represented by its Secretary. Writ petition earlier was dismissed on 22-7-2004 but was restored later on, on an application moved by the petitioner. Today, when the case was called, nobody has appeared for the petitioner, though the name of the counsel for the petitioner is correctly shown in the cause list.

The petitioner has made grievance that action is not being taken by respondents to clear the encroachments alleged to have been made on the Kistamraju Tank situated in Survey No.159/1 of Devarapalli Village, Parchur Mandal, Prakasham District.

Affidavit in reply was filed by P.Bala Krishna Murthy, Mandal Revenue Officer, Parchur on 17-10-2001 stating that there were four tanks in Devarapalli Village in Parchur Mandal viz., Kistam Raju Tank, Peddilraju Cheruvu, Veeranna Kunta and Surayya Kunta. Out of the four tanks, there were encroachments to an extent of Ac.24-00 out of Ac.39-37 guntas in Kistamraju Tank and the remaining Ac.15-37 guntas was water body. The District Collector had passed an order to protect the tank and tank bed lands to provide drinking water facilities after evicting the encroachers from the tank bed lands. Encroachments had been made by the S.C., S.T and B.C. people long back. After receipt of instructions from the government, encroachers were not allowed to cultivate in the tank bed lands of Kistam Raju tank. Thus, in the reply affidavit, it is stated that Kistam Raju tank in Survey No.159/1 in Devarapalli Village is free from encroachments. It is also stated that the Revenue Divisional Officer, Ongole inspected the village and enquired into the matter. He opined that the extent of Ac.15-00 water tank is sufficient to cater to the drinking water needs of the village. The Deputy Executive Engineer, RWS also

opined that by raising the bunds of the existing tank in Ac.15.37 acres by arranging inlet and outlet and duly providing drainage facility and by executing a canal on the other side of the tank, the existing tank can be utilized for providing drinking water.

In view of the reply affidavit of the respondent, no further direction deserves to be issued in this petition. The petition is accordingly closed.

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DEVINDER GUPTA, CJ

25-11-2004

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M.NARAYANA REDDY, J

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To

1. The Secretary, The State of Andhra Pradesh, Department of Revenue, Secretariat Buildings, Saifabad, Hyderabad.
2. The District Collector, Prakasham District at Ongole.

3. The Revenue Divisional Officer, Ongole, Prakasham District.

4. The Mandal Revenue Officer, Paruchuru Revenue Mandal, Paruchuru Mandal, Prakasham District.

5. The Member Secretary, A.P.Pollution Control Board, Maithrivanam, Ameerpet, Hyderabad.

6. 2 CCs to the Govt. Pleader for Revenue, High Court Buildings, Hyderabad (OUT).

7. 2 CD copies.